

**ASARCO**

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**ECEJ-TEP**

Linda Jacobson  
RCRA Project Manager  
US EPA Region VIII  
8ENF-T  
999 18<sup>th</sup> Street, Suite 300  
Denver, Colorado 80202-2466

February 10, 2005

SENT BY CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**CONSENT DECREE  
CIVIL ACTION NO. CV 98-3-H-CCL  
EAST HELENA SITE  
WORK PERFORMED IN JANUARY 2005  
PROGRESS REPORT #81**

Dear Ms. Jacobson:

On May 5, 1998, Asarco Incorporated (Asarco) and the United States Environmental Protection Agency (EPA) entered into a Consent Decree (Decree) to further the objectives of the Resource Conservation and Recovery Act (RCRA) and the Clean Water Act (CWA). Section XI of the Decree (Reporting: Corrective Action) requires Asarco to submit certified monthly progress reports to EPA which discuss the actions taken by Asarco in achieving compliance with the Decree. The reports are to be submitted to EPA no later than the twentieth (20<sup>th</sup>) day of the following month. The following describes only those activities that have occurred or are related to projects performed during January 2005. The historical actions taken by Asarco in achieving compliance with the Decree are contained in previous monthly progress reports.

**a. Describe the actions, progress, and status of projects which have been undertaken pursuant to Part VII of the Decree;**

The Phase I RFI Site Characterization draft Report was submitted to EPA on April 1, 2003. On January 14, 2005, Asarco received EPA's draft comments on the draft RFI. A February 3, 2005 meeting between Asarco and EPA representatives is scheduled to take place in Denver, Colorado to discuss these draft comments.

On January 23, 2005, Asarco completed the bi-monthly residential groundwater well sampling outlined in Asarco's on-going Post Remedial Investigation (RI)/Feasibility Study (FS), Long Term Monitoring Program. Under this

program, the Jensen, Nordstrom, and Yuricic irrigation groundwater wells and the Corbett (formerly Marcum) residential groundwater drinking water well were scheduled to be sampled. The two irrigation wells located at the Nordstrom and Yuricic homes were winterized and could not be sampled. The analytical dissolved arsenic results obtained from the January 2005 sampling of the Jensen and Corbett groundwater wells were below the laboratory detection limit of 0.002 mg/l.

During January 2005, Asarco forwarded to the Asarco environmental trustee four Contractor Claim Forms for work that was performed under the on-going Post RI/FS, Long-Term Monitoring Program at the East Helena site.

A summary of the correspondence transmitted as part of the East Helena Consent Decree in January 2005 is included in Attachment 1.

- b. Identify any requirements under the Part VII of the Decree that were not completed in a timely manner, and problems or anticipated problem areas affecting compliance with the Decree;**

There were no requirements that were not completed in a timely manner nor were there problems or anticipated problem areas that affect compliance with the Decree.

- c. Describe projects completed during the prior month, as well as activities scheduled for the next month;**

In accordance with the March 2000 Groundwater Source Control Interim Measures Design Analysis, Plans, and Specification report, the speiss handling area and the former acid plant sediment drying area are being inspected monthly with the last inspection occurring on January 5, 2005. This monthly inspection documented the condition of the interim measures. The inspection confirmed that all scheduled interim measures were in place.

Phase III Sparge Testing – Asarco completed the operation and monitoring of the sparge systems at the SPAR-1 and SPAR-3 sites in December 2002. During December 2004, Asarco has been assembling the data obtained from this testing. During the first week of February 2005, Asarco will hand-deliver the Interim Measures Air Sparge Pilot Test Draft Summary Report to you.

CAMU Landfill - The construction of the CAMU landfill is complete. The Final Construction Report for the CAMU-Phase 1 Cell was hand-delivered to EPA on January 23, 2002. In accordance with the July 2000 CAMU Design Analysis Report (Operation and Maintenance Plan), the CAMU is being inspected monthly with the last inspection occurring on January 17, 2005. This monthly inspection documented the condition of the CAMU.

RCRA Facility Investigation (RFI) - The Phase I RFI Site Characterization draft Report was submitted to EPA on April 1, 2003. On January 14, 2005, Asarco received EPA's draft comments on the draft RFI. A February 3, 2005 meeting between Asarco and EPA representatives is scheduled to take place in Denver, Colorado to discuss these draft comments.

**d. Describe, and estimate the percentage of, studies completed;**

The original bench-scale testing program for the Phase III air sparge test is 100% complete. The testing has been expanded to include additional column tests. The additional testing is 100% complete. The sparge pilot test program is 100% complete. The Interim Measures Air Sparging Pilot Test Summary Draft Report is scheduled to be submitted in February 2005 for EPA's review.

The RFI groundwater modeling is 100% complete. The results of this modeling exercise have been included in the Phase I RFI Site Characterization draft Report.

The Interim Measures Work Plan Addendum (May 2002) and responses to EPA's July 1, 2002 comments are 100% complete.

The implementation (field investigations) of the Interim Measures Work Plan Addendum (May 2002, and its revisions) is 100% complete.

**e. Describe and summarize all findings to date;**

The details of past findings through December 2004 are described and summarized in previous monthly progress reports.

**f. Describe actions being taken to address problems;**

There were no actions taken to address problems associated with the Decree.

**g. Identify changes in key personnel during the period;**

Asarco continues to use the services of Asarco Consulting Incorporated and Hydrometrics Incorporated to perform the various activities required under the Consent Decree. The Consent Decree activities will continue to be administrated under the direction of Robert Miller.

**h. Include copies of the results of sampling and tests conducted and other data generated pursuant to work performed under Part VII of the Decree since the last Progress Report. Asarco may submit data that has been validated and confirmed by Asarco to supplement any prior submitted data. Updated validated and confirmed data shall be included with the RFI Report, if not delivered before;**

The Energy Laboratory raw analytical sample results obtained from the January 2005 Post Remedial Investigation (RI)/Feasibility Study (FS), Long Term Monitoring Program (Bi-Monthly Residential Groundwater Wells) are attached to this monthly progress report. This data is currently being validated and will be submitted once completed.

- i. **Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.**

ASARCO is still unable, at this time, to make the required financial assurance demonstration using the mechanisms outlined in the East Helena Consent Decree. However, EPA agreed in paragraph 36 of the subsequent national consent decree (U.S. v. ASARCO and Southern Peru Holdings Corp., No. CV 02-2079-PHX-RCB (entered February 3, 2003)) to forego penalties for any noncompliance with financial assurance requirements in RCRA or CERCLA consent decrees (such as the East Helena decree) in calendar years 2003-2005. (Paragraph 35 of the decree also forgoes penalties for past inability to demonstrate financial assurance from December 1997 to the entry of the Decree.) ASARCO continues to try and improve its financial position and hopes to be able to make the required financial assurance demonstration in the future.

CERTIFICATION  
PURSUANT TO U.S. v ASARCO INCORPORATED  
(CV-98-3-H-CCL, USDC, D. Montana)

I certify under penalty of law that this document, January 2005 Progress Report and all attachments, were prepared under my direct supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature *D. E. McAllister*  
Name: Douglas E. McAllister  
Title: Vice President  
Date: February 8, 2005

CONSENT DECREE  
EAST HELENA SITE  
JANUARY 2005 PROGRESS REPORT

SUMMARY OF CORRESPONDENCE  
ATTACHMENT 1

DATE OF TRANSMITTAL	CORRESPONDENCE SENT FROM	CORRESPONDENCE SENT TO	SUBJECT	RESPONSE
January 4, 2005 January 18, 2005	Jon Nickel	Daniel Silver	Four Contractor Claim Forms RCRA Consent Decree Activities	No Formal Response Required
Attached to This Progress Report	Doug McAllister	Linda Jacobson	Raw Analytical Data from the January 2005 Post RI/FS Long- Term Monitoring Program (Bi- Monthly Residential Groundwater Wells)	No Formal Response Required

**Raw Data**

**Asarco East Helena Plant**

**Bi-Monthly Residential Groundwater Wells**

**January 2005**



## LABORATORY ANALYTICAL REPORT

Client: Asarco Inc.

Project: Bi-Monthly Residential Well Monitoring - Jan 2005

Lab ID: H05010131-001

Client Sample ID: EHR-0105-301

Report Date: 02/03/05

Collection Date: 01/23/05 12:30

Date Received: 01/24/05

Matrix: Aqueous

CORBETT

Analyses	Result	Units	Qual	MCL/		Method	Analysis Date / By
				RL	QCL		
PHYSICAL PROPERTIES							
Solids, Total Dissolved TDS @ 180 C	176	mg/L		10		A2540 C	01/24/05 14:23 / ljm
INORGANICS							
Sulfate	49	mg/L		1		E300.0	01/27/05 13:58 / qed
METALS, DISSOLVED							
Arsenic	ND	mg/L		0.002		E200.8	02/01/05 23:17 / jjw

Report Definitions: RL - Analyte reporting limit.  
QCL - Quality control limit.

MCL - Maximum contaminant level.  
ND - Not detected at the reporting limit.





## LABORATORY ANALYTICAL REPORT

Client: Asarco Inc.

Project: Bi-Monthly Residential Well Monitoring - Jan 2005

Lab ID: H05010131-002

Client Sample ID: EHR-0105-300

FIELD BLANK

Report Date: 02/03/05

Collection Date: 01/23/05 12:45

Date Received: 01/24/05

Matrix: Aqueous

Analyses	Result	Units	Qual	MCL/		Method	Analysis Date / By
				RL	QCL		
METALS, DISSOLVED							
Arsenic	ND	mg/L		0.002		E200.8	02/02/05 01:02 / jjw

Report Definitions: RL - Analyte reporting limit.  
QCL - Quality control limit.

MCL - Maximum contaminant level.  
ND - Not detected at the reporting limit.



## LABORATORY ANALYTICAL REPORT

Client: Asarco Inc.  
Project: Bi-Monthly Residential Well Monitoring - Jan 2005  
Lab ID: H05010131-003  
Client Sample ID: EHR-0105-302

JENSEN

Report Date: 02/03/05  
Collection Date: 01/23/05 13:00  
Date Received: 01/24/05  
Matrix: Aqueous

Analyses	Result	Units	Qual	MCL/		Method	Analysis Date / By
				RL	QCL		
PHYSICAL PROPERTIES							
Solids, Total Dissolved TDS @ 180 C	530	mg/L		10		A2540 C	01/24/05 14:23 / ljm
INORGANICS							
Sulfate	216	mg/L		1		E300.0	01/27/05 14:10 / qed
METALS, DISSOLVED							
Arsenic	ND	mg/L		0.002		E200.8	02/02/05 01:09 / jjw

Report  
Definitions: RL - Analyte reporting limit.  
QCL - Quality control limit.

MCL - Maximum contaminant level.  
ND - Not detected at the reporting limit.



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## LABORATORY ANALYTICAL REPORT

Client: Asarco Inc.

Project: Bi-Monthly Residential Well Monitoring - Jan 2005

Lab ID: H05010131-004

Client Sample ID: EHR-0105-303

JENSEN DUPLICATE

Report Date: 02/03/05

Collection Date: 01/23/05 13:15

Date Received: 01/24/05

Matrix: Aqueous

Analyses	Result	Units	Qual	MCL/		Method	Analysis Date / By
				RL	QCL		
METALS, DISSOLVED							
Arsenic	ND	mg/L		0.002		E200.8	02/02/05 01:16 / jjw

Report Definitions: RL - Analyte reporting limit.  
QCL - Quality control limit.

MCL - Maximum contaminant level.  
ND - Not detected at the reporting limit.